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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0237 MHP
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER RE-SETTING STATUS
)	HEARING DATE
DAVID NOSAL,)	
)	
Defendant.)	

With the agreement of the parties, the Court enters this order continuing the April 26, 2010 status hearing to September 20, 2010. The parties stipulate, and jointly inform the Court, as follows:

1. On or about February 2, 2010, the United States filed its Notice of Appeal in this matter. At that time, the Court vacated the trial schedule and ordered the parties to appear on April 26, 2010 for a status hearing.

2. Since that time, the Court of Appeals has set a briefing schedule for the United States' appeal. The United States' opening brief was originally due to be filed on May 4, 2010. On April 9, 2010, the Court of Appeals granted the United States' motion for a 31-day extension of the time in which to file that brief, based on the fact that the Office of the Solicitor General needed additional time to complete its review of the proceedings in the district court, to analyze the legal issues involved, and to determine whether to authorize prosecution of the government's appeal. The United States' opening

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1 brief is now due to be filed on June 4, 2010. The defendant Nosal's answering brief is
 2 due to be filed on July 6, 2010, and the United States' reply brief is due to be filed 14
 3 days after service of the answering brief.

4 3. For these reasons, the parties jointly request that the court VACATE the
 5 April 26, 2010 status hearing, and re-set that hearing for September 20, 2010. At that
 6 time, the parties anticipate that they will be able to provide the Court with additional
 7 information regarding the status of the United States' appeal. If proceedings terminate in
 8 the Court of Appeals before that date, the parties will contact this Court's deputy clerk to
 9 schedule an appearance in the district court forthwith.

10 SO STIPULATED.

11 DATED: April 20, 2010

SCOTT N. SCHOOLS
 Associate Deputy Attorney General
 Acting United States Attorney

14 /s/
 KYLE F. WALDINGER
 Assistant United States Attorney

16 DATED: April 20, 2010

17 /s/
 STEVEN F. GRUEL
 Attorney for the defendant David Nosal

19 ~~PROPOSED~~ ORDER

20 For the reasons stated above, the parties' joint request that the April 26, 2010
 21 status hearing be vacated is GRANTED. The parties are ORDERED to appear before the
 22 Court for a status hearing on September 20, 2010, at 11:00 a.m.

24 DATED: April 21, 2010

25 MARILYN H. PATE
 United States District Judge



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